



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter: Wincor Management Group, Inc.-Reconsideration

File: B-258797.2

Date: December 21, 1994

DECISION

Wincor Management Group, Inc. requests reconsideration of our December 2, 1994, dismissal of its protest of the rejection of its bid under invitation for bids No. F44600-94-B-0018 by the Department of the Air Force. We dismissed Wincor's protest because the protester did not file written comments on the agency's administrative report, or a written statement of continued interest in the protest, within 10 working days of the due date for receipt of the report, as required under our Bid Protest Regulations.

We affirm the dismissal.

Wincor's protest was filed in our Office on October 8, 1994. On October 18, we sent a standard acknowledgment of protest notice to Wincor's counsel. That notice provided information regarding our bid protest requirements, 4 C.F.R. § 21.3(j) (1994), to submit comments on the agency's report or to advise our Office to decide the protest on the existing record. The notice included the due date for receipt of the report and advised Wincor that we assume it receives a copy of the report on the scheduled due date. Our notice further provides that failure to respond to the report within 10 days of the due date will result in the dismissal of the protest.


In its request for reconsideration, Wincor informs us that "due to a malfunction in [its] computer system . . . [it] inadvertently lost the tickler to remind [it] to comment on the agency report within [10] working days." Wincor further argues that an additional 10-day delay in filing comments would "not prejudice either party and it would be in best interest of justice for this matter to be decided on the merits."

The filing deadlines in our Regulations are prescribed under the authority of the Competition in Contracting Act of 1984 (CICA); their purpose is to enable us to comply with the statute's mandate that we resolve bid protests expeditiously. 31 U.S.C. § 3564(a)(1) (1988); U.S. Shutter Co.- Recon., B-219952.2, Jan. 15, 1986, 86-1 CPD ¶ 42. It is not our policy to reopen a protest file where the protester has failed to respond in a timely manner to the report, since to do so would be inconsistent with that purpose. U.S. Shutter Co.- Recon., *supra*.

A protester's absence from the office at the time the agency report arrived there or a computer malfunction after receipt of the report does not excuse the failure to timely comment. As we have noted, Wincor was aware of its responsibility in that regard; it is incumbent upon a protester to exercise the due diligence and care necessary to meet that responsibility. Egerman Roofing Supply Co., B-213371.2, Mar. 19, 1984, 84-1 CPD ¶ 323.

Bid protests are serious matters which require effective and equitable procedural standards to assure both that parties have a fair opportunity to present their cases and that protests can be resolved in a reasonably speedy manner. Since Wincor did not express timely continued interest in the protest, our reopening of the file would be inconsistent with the goal of providing a fair opportunity for protesters to have their objections considered without unduly disrupting the procurement process. Id.

The dismissal is affirmed.



Ronald Berger
Associate General Counsel